

United States District Court  
Albuquerque, New Mexico

Mitchell R. Elfers  
Clerk of Court

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he crossed into the opposing traffic lane and directly in the travel path of John Doe.

4. John Doe's motorcycle collided with the passenger side rear-end of the vehicle that Defendant was driving. The impact of the collision killed John Doe and caused multiple blunt force injuries.
5. When law enforcement arrived on scene Defendant was detained and consented to field sobriety tests, which he performed poorly on and showed signs of impairment.
6. Defendant admitted to drinking alcohol prior to driving the vehicle and he voluntarily submitted to a breath test within three hours of driving, which resulted in a blood alcohol concentration (B.A.C.) level of .12 and .11.
7. In the State of New Mexico, it is unlawful to operate a motor vehicle with a B.A.C. of eight one hundredths or more within three hours of driving.
8. Defendant recklessly operated the motor vehicle without due caution and circumspection and with a wanton and reckless disregard for human life when he knew and should have known that his conduct imperiled the lives of others.

Respectfully submitted,

FRED J. FEDERICI  
Acting United States Attorney



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I certify that I served a copy of the  
foregoing pleading upon Counsel for  
Defendant by e-mail.

A handwritten signature in black ink, appearing to read "D. Cowen", written over a horizontal line.

David P. Cowen  
Assistant United States Attorney